

Transportation Committee

Tuesday, February 7, 2006 1:15 PM - 3:15 PM 404 HOB

Action Packet

Transportation Committee

2/7/2006 1:15:00PM

Location: 404 HOB

Print Date: 2/7/2006 4:07 pm

Attendance:

	Present	Absent	Excused
Ray Sansom (Chair)	X		
Dorothy Bendross-Mindingall	X		
Phillip Brutus			X
Susan Bucher	X		
Dean Cannon	X		
Faye Culp	X		
Greg Evers	X		
Richard Glorioso	X		
Adam Hasner	X		
Stan Jordan	Х		
Dick Kravitz	Х		
Ron Reagan	Х		e
Julio Robaina	X		
Yolly Roberson	X		
Irving Slosberg	X	····	
Dwight Stansel	X		
Trudi Williams	X		
Totals:	16	0	1

Transportation Committee 2/7/2006 1:15:00PM

Location: 404 HOB

PCB TR 06-01 : General Revenue Bonds for Transportation/Resolution & Referendum

X Not Considered

Transportation Committee 2/7/2006 1:15:00PM

Location: 404 HOB

PCB TR 06-02 : General Revenue Bonds for Transportation/Program Implementation

X Not Considered

Transportation Committee

2/7/2006 1:15:00PM

Location: 404 HOB

PCB TR 06-03 : Highway Safety and Motor Vehicles

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall			X		
Phillip Brutus			X		
Susan Bucher	X				
Dean Cannon	Χ				
Faye Culp	X				
Greg Evers	X				
Richard Glorioso	X				
Adam Hasner	X		·		
Stan Jordan	X			•	
Dick Kravitz	X				
Ron Reagan	X				
Julio Robaina	X				
Yolly Roberson	X				,,
Irving Slosberg	X				
Dwight Stansel	X				
Trudi Williams			X		
Ray Sansom (Chair)	X				

Appearances:

Independent Dealer Continuing Education Sherry Dickinson (Lobbyist) - Information Only Florida Independent Auto Dealers Association 281 High Hill Ranch Lane Tallahassee Florida 32317

Phone: 850-524-1903

Steven Fielder (Lobbyist) (State Employee) - Proponent DHSMV 2900 Apalachee Parkway

Tallahassee Florida 32399 Phone: 850-488-2276

Motorcycle Legislation Tina McElhenny - Proponent 6305 Waukeenah Highway Florida

Print Date: 2/7/2006 4:07 pm

Phone: 997-0726

Transportation Committee

2/7/2006 1:15:00PM

Location: 404 HOB

Motorcycle Legislation

James D. "Doc" Reichenbach II (Lobbyist) - Opponent

ABATE of Florida, Inc.

P.O. Box 712

Silver Springs Florida 34489

Phone: 352-625-6353

Lt. Col David Binder (State Employee) - Information Only FDOT 325 John Knox Road Building K Tallahassee Florida Phone: 850-245-7900

Print Date: 2/7/2006 4:07 pm

Amendment No. 1

Bill No. PCB TR 06-03

COUNCIL/COMMITTEE	ACTION	
ADOPTED	(Y/N)	
ADOPTED AS AMENDED	(Y/N)	
ADOPTED W/O OBJECTION	_ (Y ^N)	
FAILED TO ADOPT	(Y/N)	
WITHDRAWN	(Y/N)	
OTHER		

Council/Committee hearing bill: Transportation

Representative(s) Mealor offered the following:

Amendment (with directory and title amendments)

Remove line(s) 949-950 and insert:

Section 20. Subsection (9) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.--

(9) Any person who does not hold a commercial driver's license and who is cited for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent; however,

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 1

a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may make no more than five elections under this subsection. The requirement for community service under s. 318.18(8) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

Section 21. Subsection (3) of section 318.18, Florida Statutes, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

- (3) (a) Except as otherwise provided in this section, \$60 for all moving violations not requiring a mandatory appearance.
- (b) For moving violations involving unlawful speed, the fines are as follows:

For speed exceeding the limit by: Fine:

1-5 m.p.h....Warning

6-9 m.p.h....\$ 25

10-14 m.p.h....\$100

15-19 m.p.h....\$125

20-29 m.p.h....\$150

30 m.p.h. and above....\$250

(c) Notwithstanding paragraph (b), a person cited for exceeding the speed limit by up to 5 m.p.h. in a legally posted school zone will be fined \$50. A person exceeding the speed limit in a school zone shall pay a fine double the amount listed in paragraph (b).

- (d) A person cited for exceeding the speed limit in a posted construction zone shall pay a fine double the amount listed in paragraph (b). The fine shall be doubled for construction zone violations only if construction personnel are present or operating equipment on the road or immediately adjacent to the road under construction.
- (e) If a violation of s. 316.1301 or s. 316.1303 results in an injury to the pedestrian or damage to the property of the pedestrian, an additional fine of up to \$250 shall be paid. This amount must be distributed pursuant to s. 318.21.
- (f) A person cited for exceeding the speed limit within a zone posted for any electronic or manual toll collection facility shall pay a fine double the amount listed in paragraph (b). However, no person cited for exceeding the speed limit in any toll collection zone shall be subject to a doubled fine unless the governmental entity or authority controlling the toll collection zone first installs a traffic control device providing warning that speeding fines are doubled. Any such traffic control device must meet the requirements of the uniform system of traffic control devices.
- (g) A person cited for a second or subsequent conviction of speed exceeding the limit by 30 miles per hour and above within a 12-month period shall pay a fine double the amount listed in paragraph (b). For purposes of this paragraph, the term "conviction" means a finding of guilt, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere, notwithstanding s. 318.14(11).

Section 22. Section 318.19, Florida Statutes, is amended to read:

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316.1933(1);

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the time and location of the scheduled hearing: Any infraction which results in a crash that causes the death of another; Any infraction which results in a crash that causes "serious bodily injury" of another as defined in s.

318.19 Infractions requiring a mandatory hearing. -- Any

person cited for the infractions listed in this section shall

not have the provisions of s. 318.14(2), (4), and (9) available

to him or her but must appear before the designated official at

- Any infraction of s. 316.172(1)(b); or
- Any infraction of s. 316.520(1) or (2).
- (5) Any infraction of s. 316.183(2), s. 316.187, or s. 316.189 of exceeding the speed limit by 30 m.p.h. or more.
- Section 23. Subsection (3) of section 322.27, Florida Statutes, is amended to read:
- 322.27 Authority of department to suspend or revoke license. --
- There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 1

- (a) When a licensee accumulates 12 points within a 12-month period, the period of suspension shall be for not more than 30 days.
- (b) When a licensee accumulates 18 points, including points upon which suspension action is taken under paragraph (a), within an 18-month period, the suspension shall be for a period of not more than 3 months.
- (c) When a licensee accumulates 24 points, including points upon which suspension action is taken under paragraphs (a) and (b), within a 36-month period, the suspension shall be for a period of not more than 1 year.
- (d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:
 - Reckless driving, willful and wanton--4 points.
- 2. Leaving the scene of a crash resulting in property damage of more than \$50--6 points.
 - 3. Unlawful speed resulting in a crash--6 points.
 - 4. Passing a stopped school bus--4 points.
 - 5. Unlawful speed:
- a. Not in excess of 15 miles per hour of lawful or posted speed--3 points.
- b. In excess of 15 miles per hour <u>but less than 30</u> miles per hour of lawful or posted speed--4 points.
- c. Thirty miles per hour or more in excess of lawful or posted speed-6 points.
- 6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- 7. All other moving violations (including parking on a highway outside the limits of a municipality) -- 3 points.

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HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 1

- However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).
 - 8. Any moving violation covered above, excluding unlawful speed, resulting in a crash--4 points.
 - .9. Any conviction under s. 403.413(6)(b)--3 points.
 - 10. Any conviction under s. 316.0775(2)--4 points.
 - (e) A conviction in another state of a violation therein which, if committed in this state, would be a violation of the traffic laws of this state, or a conviction of an offense under any federal law substantially conforming to the traffic laws of this state, except a violation of s. 322.26, may be recorded against a driver on the basis of the same number of points received had the conviction been made in a court of this state.
 - (f) In computing the total number of points, when the licensee reaches the danger zone, the department is authorized to send the licensee a warning letter advising that any further convictions may result in suspension of his or her driving privilege.
 - (g) The department shall administer and enforce the provisions of this law and may make rules and regulations necessary for its administration.
 - (h) Three points shall be deducted from the driver history record of any person whose driving privilege has been suspended only once pursuant to this subsection and has been reinstated, if such person has complied with all other requirements of this chapter.
 - (i) This subsection shall not apply to persons operating a nonmotorized vehicle for which a driver's license is not required.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 1

(j) For purposes of sub-subparagraph (d)5.c., the term "conviction" means a finding of guilt, with or without adjudication of guilt, as a result of a jury verdict, nonjury trial, or entry of a plea of guilty or nolo contendere, notwithstanding s. 318.14(11).

Section 24. Except as otherwise provided, this act shall take effect October 1, 2006.

Remove line(s) and insert:

183 ======== T I T L E A M E N D M E N T ========

Remove line(s) 46-47 and insert:

license examination requirements; amending s. 318.14, F.S.; providing exceptions to procedures for certain speed limit violations; removing the option for certain offenders to attend driver improvement school; amending s. 318.18, F.S.; providing increased penalties for certain speed limit violations; amending s. 318.19, F.S.; requiring mandatory hearings for certain speed limit violations; amending s. 322.27, F.S.; providing for an increase in driver license points for certain speed limit violations; providing an effective date.

Amendment No. 2

Bill No. PCB TR 06-03

COUNCIL/COMMITTEE ACTION

ADOPTED ____ (Y/N)
ADOPTED AS AMENDED ____ (Y/N)
ADOPTED W/O OBJECTION ____ (Y/N)
FAILED TO ADOPT ____ (Y/N)
WITHDRAWN ____ (Y/N)
OTHER

Council/Committee hearing bill: Transportation
Representative(s) Reagan offered the following:

Amendment (with directory and title amendments)

Remove line(s) 949-950 and insert:

Section 20. Subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.--

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

When a licensee accumulates 18 points, including

When a licensee accumulates 24 points, including

The point system shall have as its basic element a

Reckless driving, willful and wanton--4 points.

3. Unlawful speed resulting in a crash--6 points.

Passing a stopped school bus--4 points.

Leaving the scene of a crash resulting in property

Not in excess of 15 miles per hour of lawful or posted

In excess of 15 miles per hour of lawful or posted

points upon which suspension action is taken under paragraph

(a), within an 18-month period, the suspension shall be for a

points upon which suspension action is taken under paragraphs

(a) and (b), within a 36-month period, the suspension shall be

graduated scale of points assigning relative values to

- - When a licensee accumulates 12 points within a 12month period, the period of suspension shall be for not more

than 30 days.

(b)

period of not more than 3 months.

for a period of not more than 1 year.

convictions of the following violations:

damage of more than \$50--6 points.

5. Unlawful speed:

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- a. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- b. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1. resulting in a
- 50 crash--6 points.

4.

speed--3 points.

speed--4 points.

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- All other moving violations (including parking on a highway outside the limits of a municipality) -- 3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).
- Any moving violation covered above, excluding unlawful speed, resulting in a crash--4 points.
 - 9. Any conviction under s. 403.413(6)(b)--3 points.
 - 10. Any conviction under s. 316.0775(2) --4 points.
- (e) A conviction in another state of a violation therein which, if committed in this state, would be a violation of the traffic laws of this state, or a conviction of an offense under any federal law substantially conforming to the traffic laws of this state, except a violation of s. 322.26, may be recorded against a driver on the basis of the same number of points received had the conviction been made in a court of this state.
- In computing the total number of points, when the licensee reaches the danger zone, the department is authorized to send the licensee a warning letter advising that any further convictions may result in suspension of his or her driving privilege.
- The department shall administer and enforce the provisions of this law and may make rules and regulations necessary for its administration.
- Three points shall be deducted from the driver history record of any person whose driving privilege has been suspended only once pursuant to this subsection and has been reinstated, if such person has complied with all other requirements of this chapter.

Amendment No. 2

	(i)	This	subsec	ction	shall	_ I	not	apply	to	perso	ns	operating	ć
nonm	otoriz	zed ve	ehicle	for	which	а	dri	iver's	lio	cense	is	not	
requ	ired.												

Section 21. Except as otherwise provided, this act shall take effect October 1, 2006.

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Remove line(s) 46-47 and insert:

license examination requirements; amending s. 322.27, F.S.; revising the point system for certain traffic violations resulting in a crash;

Amendment No. 3

						Bill	No.	PCB	TR	06-03
CC	OUNCIL/COM	MITTEE A	ACTION -							
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ADOPTE	AS AMENDE	ED	(Y/I	N)						
ADOPTEI	W/O OBJEC	CTION	_ (Y)1	N)						
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OTHER										
Council	/Committee	e hearir	ng bill:	Tra	nsport	ation	1			
Represe	entative(s)	Hasr	ner ofi	fered t	the fol	Llowin	ıg:			
Am	endment (w	with dir	ectory a	and tit	:le ame	endmen	ts)			
Ве	tween line	e(s) 949	9-950 ins	sert:						
Se	ection 20.	Subsec	tion 12	of sec	ction 3	318.18	, F]	orio	da	
Statute	s, is amen	ded to	read:		•	•	•			
31	8.18 Amou	int of c	ivil per	nalties	The	penal	ties	rec	quir	red
for a n	oncriminal	dispos	ition pu	ırsuant	to s.	318.	14 a	are a	as	
follows	:									
(1	2) <u>Two hu</u>	ndred 6	ne hundr	ed dol	lars f	for a	viol	atio	on c	of s.
316.520	(1) or (2)	. If, a	t a hear	ing, t	he all	.eged	offe	ende	s is	5
found t	o have com	mitted	this off	ense,	the co	ourt s	hall	imp	ose	e a
minimum	civil pen	alty of	\$200 \$1	.00 . Fo	ra se	cond	or s	subse	eque	ent
adjudic	ation with	in a pe	riod of	5 year	s, the	e depa	rtme	ent s	shal	_1
suspend	the drive	r's lic	ense of	the pe	rson f	or no	t le	ess t	har	1 <u>1</u>
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Se	ction 21.	Except	as other	wise p	rovide	ed, th	is a	act s	shal	.1
take ef	fect Octob	er 1, 2	006.							
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Amendment No. 3

22	Remove line(s) and insert:	
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25	T I T L E A M E N D M E N T	==
26	Remove line(s) 46-47 and insert:	
27	license examination requirements; amending s. 318.18, F.S	.;
28	revising the penalties for violation of s. 316.520, F.S.,	
29	prohibiting loads on certain vehicles to escape onto the	
30	roadway;	
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Bill No. PCB TR 06-03

COUNCIL/COMMITTEE ACTION ADOPTED __ (Y/N) ADOPTED AS AMENDED __ (Y/N) ADOPTED W/O OBJECTION __ (Y/N) FAILED TO ADOPT __ (Y/N) WITHDRAWN __ (Y/N) OTHER

Council/Committee hearing bill: Transportation Representative(s) Robaina offered the following:

Amendment (with directory and title amendments)

Remove line(s) 949-950 and insert:

Section 20. Section 316.2128, Florida Statutes, is created to read:

316.2128 Operation of motorized scooters and miniature motorcycles; requirements for sales.—

- (1) The operation of "motorized scooters" and "miniature motorcycles" as defined in s. 316.003 on the public roads or streets of this state, or on the sidewalks of this state is prohibited, and such vehicles may not be registered pursuant to chapter 320. Except when operating the vehicle on the operator's own private property, the operator of such a vehicle must keep proof of ownership in the form of a receipt, sales invoice, bill of sale, or other written documentation in his or her possession at all times.
- (2) (a) No person shall cause or knowingly permit his or her child or ward under the age of 16 to drive a motorized scooter or miniature motorcycle in violation of subsection (1) section.

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(b) No person shall cause or knowingly permit his or her child or ward that is between the ages of 16 to 18 years old and that is not a licensed driver to drive a motorized scooter or miniature motorcycle in violation of subsection (1).

- (3) A violation of subsections (1) or (2) is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318. A minor in violation of any provision in this section is also subject to the additional sanctions of s. 318.143.
- (4) No person shall engage in the business of, serve in the capacity of, or act as a commercial seller of motorized scooters or miniature motorcycles in this state without complying with this subsection. All such persons shall prominently display at their place of business a notice that such vehicles are not legal to operate on public roads or sidewalks, and may not be registered as motor vehicles. The required notice must also appear in all forms of advertising offering motorized scooters or miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer purchasing, or becoming obligated to purchase, a motorized scooter or a miniature motorcycle. Any person selling or offering a motorized scooter or a miniature motorcycle for sale in violation of the requirements of this subsection, shall be deemed guilty of an unfair and deceptive trade practice as defined in part II of chapter 501.
- Section 21. Subsection (21), subsection (22), subsection (82) of section 316.003, Florida Statutes, are amended, and subsection (86) is added to said section to read:
- 316.003 Definitions. -- The following words and phrases, when used in this chapter, shall have the meanings respectively

(21) MOTOR VEHICLE.—Any self-propelled vehicle not

ascribed to them in this section, except where the context

otherwise requires:

operated upon rails or guideway, but not including any bicycle, motorized scooter, electric personal assistive mobility device, or moped.

(22) MOTORCYCLE.--Any motor vehicle having a seat or

- (22) MOTORCYCLE. -- Any motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor, a miniature motorcycle or a moped.
- (82) MOTORIZED SCOOTER. -- Any vehicle not having a seat or saddle for the use of the rider, designed to travel on not more than three wheels, and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and which because of its small size, its design or lack of required safety equipment, or other non-compliance with federal regulations is not eligible for a manufacturer's certificate of origin and for registration pursuant to chapter 320.
- (86) MINIATURE MOTORCYCLE.—Any vehicle having a seat or saddle for the use of the rider, designed to travel on not more than three wheels in contact with the ground, and which because of its small size, its design or lack of required safety equipment, or other non-compliance with federal regulations, is not eligible for a manufacturer's certificate of origin and for registration as a motorcycle pursuant to chapter 320. The term does not include off-highway vehicles as defined in chapter 317.

Section 22. Except as otherwise provided, this act shall take effect October 1, 2006.

Amendment No. 5

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83	Remove line(s) 46-47 and insert:
84	license examination requirements; creating s. 316.2128, F.S.;
85	amending s. 316.003, F.S.;

Amendment No. 6

	Bill No. PCB TR 06-03
COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	(X) _N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	•
·	ng bill: Transportation rs offered the following:
Amendment (with di	rectory and title amendments)
Remove line(s) 864	-867 and insert:
harvest to another poin	t of harvest not to exceed 10 miles, by a
person engaged in the h	arvesting of forestry products. Such
vehicles shall be opera	ted in accordance with all safety
requirements prescribed	by s. 316.2295(5) and (6).

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Amendment No. 7

Bill No. PCB TR 06-03

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	— (x) _{N)}
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Council/Committee hearing bill: Transportation Representative(s) Evers offered the following:

Amendment (with directory and title amendments)

Remove line(s) 949-950 and insert:

Section 20. Subsection (4) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses. --

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of State and to the supervisors of elections pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and

Amendment No. 7

establishing, modifying, or enforcing support obligations in Title IV-D cases; or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims, and are exempt from the provisions of s. 119.07(1).

Section 21. Except as otherwise provided, this act shall take effect October 1, 2006.

32 ========= T I T L E A M E N D M E N T =========

Remove line(s) 46-47 and insert:

license examination requirements; amending s. 322.142, F.S.; providing authority for driver license digital images and signatures to be reproduced and provided to supervisors of elections;

	Bill No. PCB TR 06-03
	COUNCIL/COMMITTEE ACTION
	ADOPTED $\underline{\hspace{1cm}}$ (Y/N)
	ADOPTED AS AMENDED $\underline{\hspace{1cm}}$ (Y/N)
	ADOPTED W/O OBJECTION(Y)N)
	FAILED TO ADOPT (Y/N)
	OTHER
1	Council/Committee hearing bill: Transportation
2	Representative(s) Evers offered the following:
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4	Amendment (with directory and title amendments)
5	Remove line(s) 949-950 and insert:
6.	Section 20. Section 316.302(2)(b), (c), and (d), Florida
7	Statutes, is amended to read:
8	316.302 Commercial motor vehicles; safety regulations;
9	transporters and shippers of hazardous materials; enforcement
10	(2)(a) A person who operates a commercial motor vehicle
11	solely in intrastate commerce not transporting any hazardous
12	material in amounts that require placarding pursuant to 49
13	C.F.R. part 172 need not comply with 49 C.F.R. ss. 391.11(b)(1)
14	and 395.3(a) and (b).
15	(b) Except as provided in 49 C.F.R. s. 395.1(k), a A
16	person who operates a commercial motor vehicle solely in
17	intrastate commerce not transporting any hazardous material in
18	amounts that require placarding pursuant to 49 C.F.R. part 172
19	may not drive:
20	1. More than 12 hours following 10 consecutive hours off

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duty or,

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- 2. For any period after the end of the 16th hour after coming on duty following 10 consecutive hours off duty. is exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest, and following the required initial motor vehicle inspection, be permitted to drive any part of the first 15 on duty hours in any 24 hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours' rest has been fulfilled. The provisions of this paragraph do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2. public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.
- Except as provided in 49 C.F.R. s. 395.1(k), a A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Twenty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. be on duty more than 72 hours in any period of 7 consecutive days, but carriers operating every day in a week may permit drivers to remain on duty for a total of not more than 84 hours in any period of 8 consecutive days; however, 24 consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods,

Amendment No. 8

any unprocessed agricultural products or unprocessed food or 52 53 fiber that are subject to seasonal harvesting from place of 54 harvest to the first place of processing or storage or from place of harvest directly to market, or livestock, livestock 55 feed, or farm supplies directly related to growing or harvesting 56 57 agricultural products. Upon request of the Department of Transportation, motor carriers shall furnish time records or 58 59 other written verification to that department so that the 60 Department of Transportation can determine compliance with this subsection. These time records must be furnished to the 61 Department of Transportation within 10 days after receipt of 62 63 that department's request. Falsification of such information is 64 subject to a civil penalty not to exceed \$100. The provisions of 65 this paragraph do not apply to drivers of utility service 66 vehicles as defined in 49 C.F.R. s. 395.2 public utility 67 vehicles or authorized emergency vehicles during periods of 68 severe weather or other emergencies.

(d) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 within a 150 200 air-mile radius of the location where the vehicle is based need not comply with 49 C.F.R. s. 395.8, except that time records shall be maintained as prescribed in 49 C.F.R. s. 395.1(e)(5).

Section 21. Section 316.515(10), Florida Statutes, is amended to read:

316.515 Maximum width, height, length.

(10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An automobile towaway or driveaway operation transporting new or used trucks may use what is known to the trade as "saddle

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Amendment No. 8

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mounts," if the overall length does not exceed 97 75 feet and no more than three saddle mounts are towed. Such combinations may include one full mount. Saddle mount combinations must also comply with the applicable safety regulations in 49 C.F.R. 393.71.

Section 22. Section 316.003(43), Florida Statutes, is amended to read:

- 316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:
- front wheels of one vehicle rest in a secured position upon another vehicle. All of the wheels of the towing vehicle are upon the ground and only the rear wheels of the towed vehicle rest upon the ground. Such combinations may include one full mount, whereby a smaller transport vehicle is placed completely on the last towed vehicle.

Section 23. Section 316.302(1)(b), (2)(f) and (3), Florida Statutes, is amended to read:

- 316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—
- (1)(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, 2005. October 1, 2004.

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. 8

- (2) (f) A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than 26,001 26,000 pounds solely in intrastate commerce and who is not transporting hazardous materials in amounts that require placarding pursuant to 49 C.F.R. part 172, or who is transporting petroleum products as defined in s. 376.301, is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss. 396.3(a) (1) and 396.9.
- (3) A person under the age of 18 years may not operate a commercial motor vehicle, except that a person under the age of 18 years may operate a commercial motor vehicle which has a gross vehicle weight of less than 26,001 26,000 pounds while transporting agricultural products, including horticultural or forestry products, from farm or harvest place to storage or market.

Section 24. Except as otherwise provided, this act shall take effect October 1, 2006.

Remove line(s) and insert:

134 ======= T I T L E A M E N D M E N T =======

Remove line(s) 46-47 and insert:

license examination requirements; amending s. 316.302, F.S.; revising intrastate hours-of-service requirements; amending s. 316.515, F.S.; revising definition of "automobile towaway and driveway operations"; amending s. 316.003, F.S.; revising definition of "saddle mount"; amending s. 316.302, F.S.;

Amendment No. 8

revising gross vehicle weight reference; providing an effective

142 date.

Amendment No. 9

Bill No. PCB TR 06-03

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	_ (Y/N)
ADOPTED W/O OBJECTION	(N)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Council/Committee hearing bill: Transportation

Representative(s) Evers offered the following:

Amendment (with directory and title amendments)

Remove line(s) 723 through 734 and insert:

locations licensed under the provisions of subsection (5). Each initial license application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant, or one or more of his or her designated employees, has attended a training and information seminar conducted by a licensed motor vehicle dealer training school. Such seminar shall include, but is not limited to, statutory dealer requirements, which requirements include required bookkeeping and recordkeeping procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices. No seminar may exceed 8 hours in length.

Amendment No. 10

	Bill No. PCB TR 06-03
	COUNCIL/COMMITTEE ACTION
	ADOPTED (Y/N)
	ADOPTED AS AMENDED (Y/N)
	ADOPTED W/O OBJECTION (Y)N)
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Council/Committee hearing bill: Transportation
2	Representative(s) Evers offered the following:
3	
4	Amendment (with directory and title amendments)
5	Delete line 594 and insert:
6	Section 10. Effective July 1, 2008, paragraph (a) of

Amendment No. (for drafter's use only)

#11

Bill No. PCB TR 06-03

COUNCIL/COMMITTEE ACTION

ADOPTED ____(Y/N)
ADOPTED AS AMENDED ___(Y/N)
ADOPTED W/O OBJECTION ____(Y/N)
FAILED TO ADOPT ____(Y/N)
WITHDRAWN ____(Y/N)
OTHER

Council/Committee hearing bill: Transportation

Representative(s) Slosberg Section 20. Section 318.1215, Florida Statutes, is amended to read:

Act.--Effective October 1, 2002, notwithstanding the provisions of s. 318.121, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$5 \$\frac{\pi_3}{3}\$ with each civil traffic penalty, which shall be used to fund driver education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds, which shall be used for enhancement, and not replacement, of driver education program funds. The funds shall be used for direct educational expenses and shall not be used for administration. Each driver education program receiving funds pursuant to this section shall require that a minimum of 30 percent of a student's time in the program be behind-the-wheel training. This section may be cited as the "Dori Slosberg Driver Education Safety Act." offered the following:

Amendment (with directory and title amendments)

Remove line(s) and insert:

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES Amendment No. (for drafter's use only)

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24	====== D I R E C T O R Y A M E N D M E N T =======
25	Remove line(s) and insert:
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28	======== T I T L E A M E N D M E N T ========
29	Remove line(s) and insert:
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Transportation Committee

2/7/2006 1:15:00PM

Location: 404 HOB

PCB TR 06-04 : Transportation

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Dorothy Bendross-Mindingall	X				
Phillip Brutus			X		
Susan Bucher		. X			
Dean Cannon	X				
Faye Culp	X				
Greg Evers	X				
Richard Glorioso	X				
Adam Hasner	X				
Stan Jordan	X				
Dick Kravitz	X				
Ron Reagan	X				
Julio Robaina				X	
Yolly Roberson	X				
Irving Slosberg	X				
Dwight Stansel	X				
Trudi Williams	X				
Ray Sansom (Chair)	X				
	Total Yeas: 14	Total Nays	1		

Appearances:

Trunpike Bond Cap

Denver Stutler, Secretary (Lobbyist) (State Employee) - Information Only

FDOT

605 Suwanee St.

Tallahassee Florida 32399

Phone: 850-414-5205

Turnpike Bond Cap

Lowell Clary, Assistant Secretary (Lobbyist) (State Employee) - Information Only

FDOT

605 Suwanee St.

Tallahassee Florida 32399

Phone: 850-414-5215

Osceola County Expressway Authority

Sarah Bleakley (Lobbyist) - Information Only

Florida Association of Counties

1500 Mahan Drive Ste. 200

Tallahassee Florida 32308

Print Date: 2/7/2006 4:07 pm

Phone: 850-224-4070

Transportation Committee 2/7/2006 1:15:00PM

Location: 404 HOB

Wayne Malaney (Lobbyist) - Information Only Tampa Hillsborough Expressway Authority 2846-A Remington Green Circle Suite A Tallahassee Florida 32308

Phone: 850-422-1011

Scott Dudley, SR. Legislative Advocate (Lobbyist) - Proponent

Florida League of Cities 301 S. Bronough St. Tallahassee Florida 32302 Phone: 850-222-9684

Mike Slayton, Deputy Executive Director (Lobbyist) - Information Only St. Johns River Management District

525 Community College Palm Bay Florida 32909 Phone: 850-508-0801

MPO Issues

Howard Glassman (Lobbyist) - Proponent Metropolitan Planning Organization Advisory Council 605 Suwanee St. MS28B Tallahassee Florida 32399 Phone: 850-414-4062

County Transportation Surtax Sarah Bleakley (Lobbyist) - Information Only Florida Association of Counties 1500 Mahan Drive Ste. 200

Tallahassee Florida 32301 Phone: 850-224-4070

Print Date: 2/7/2006 4:07 pm

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Page 7 of 9

Amendment No. 1

	Bill No. PCB TR 06-04
	COUNCIL/COMMITTEE ACTION
	ADOPTED(Y)N)
,	ADOPTED AS AMENDED (Y/N)
	ADOPTED W/O OBJECTION (Y/N)
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Council/Committee hearing bill: Transportation
2	Representative(s) offered the following:
3	
4	Remove line(s) 2434-2439 and insert:
5	vote of the electorate of the county; or by a charter amendment
6	approved by a majority vote of the electorate of the county.
7	2. Each county may levy a discretionary sales surtax
8	pursuant to this subsection by at least a super-majority
9	affirmative vote of a majority plus one of the total membership
10	of its governing body.
11	

Amendment No. 2

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		Bill No.	PCB TR 0	6-04
COUNCIL/COMMITTEE	ACTION			
ADOPTED	(Y/N)			
ADOPTED AS AMENDED	$ \stackrel{(Y/N)}{\sim}$			
ADOPTED W/O OBJECTION	(Y)/N)			
FAILED TO ADOPT	(Y/N)			
WITHDRAWN	(Y/N)			
OTHER				
				·
Council/Committee hear	ing bill: Tran	sportation		
Representative(s)	offered the foll	owing:		
On line 2555 bef	ore the semicolor	insert:		
or the New Starts tran	sit program as pr	covided in s.	341.051	

Amendment No. 3

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		Bill No.	PCB TR 06-04				
COUNCIL/COMMITTEE	ACTION						
ADOPTED	(Y/N)						
ADOPTED AS AMENDED	$-\stackrel{(Y/N)}{=}$						
ADOPTED W/O OBJECTION	$-(A)_{N}$						
FAILED TO ADOPT	- (Y/N)						
WITHDRAWN	(Y/N)						
OTHER							
Council/Committee hear	ing bill: Tra	nsportation					
Representative(s)	offered the fol	lowing:					
			·				
On line 171 after	the word organi	zation insert	:				
created pursuant to s.	339.175 or any	separate legal	l or				
administrative entity created pursuant to s. 339.175							

Amendment No. 4

Bill No. PCB TR 06-04

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	$-\frac{(Y/N)}{}$
ADOPTED W/O OBJECTION	$(X)^{N}$
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	
Council/Committee hear:	ing bill: Transportation
Representative(s)	offered the following:
	7. 200

Remove line(s) 287-368 and insert:

Section 4. Paragraph (1) is added to subsection (1) of section 121.055, Florida Statutes, to read:

121.055 Senior Management Service Class.-- There is hereby established a separate class of membership within the Florida Retirement System to be known as the "Senior Management Service Class," which shall become effective February 1, 1987.

(1)

(1) Effective July 1, 2006, for each metropolitan planning organization that has opted to become part of the Florida Retirement System, participation in the Senior Management Class shall be compulsory for the executive director or staff director of each metropolitan planning organization or similar entity created pursuant to s. 339.175.

Amendment No. 5

Bill No. PCB TR 06-04

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Remove line(s) 2255-2273 and insert: to 13 members and two non-voting members, and the following provisions of this paragraph shall apply specifically to such authority. Except for the district secretary of the department, the members must be residents of the county. Two Seven voting members shall be county commissioners appointed by the chair of the governing body of the county. One voting member shall be a mayor of a municipality within the county at all times while serving on the authority and shall be appointed by the Miami-Dade County League of Cities. Four At the discretion of the governing body of the county, up to two of the members appointed by the governing body of the county may be elected officials residing in the county. Five voting members of the authority shall be appointed by the Governor and must be residents of the county or municipality at all times while serving. The governor's appointees shall not be elected or appointed officials or employees of the county or of a municipality within the county. One member shall be Tthe district secretary of the

Amendment No. 5

22	department	serving	in	the	district	that	contains	such	county
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- shall be a non-voting member of the authority. One member shall
- be the chair of

Amendment No. 6

		Bill No.	PCB TR	06-04
COUNCIL/COMMITTEE	ACTION			
ADOPTED	(Y/N)			
ADOPTED AS AMENDED	(Y/N)			
ADOPTED W/O OBJECTION	$\overline{}$ $(Y)^{N}$			
FAILED TO ADOPT	(Y/N)			
WITHDRAWN	(Y/N)			
OTHER	±-,			
Council/Committee hear	ing bill: Transp	portation		
Representative(s)	offered the follo	owing:		
		•		
Amendment #6 (wit:	h directory and ti	tle amendmen	ts)	
On line(s) 711 af	ter the word <u>fine</u>	insert:		
of \$25 or such other	amount as			

Amendment No. 7

Bill No. PCB TR 06-04

COUNCIL/COMMITTEE	ACTION
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ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	$\overline{}$ $\underline{}$ $\phantom{$
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Council/Committee hearing bill: Transportation Representative(s) offered the following:

Amendment (with title amendment)

Between lines 1395 and 1396, insert:

Section 19. Paragraphs (a) and (h) of subsection (9) of section 348.0004, Florida Statutes, is amended to read:

348.0004 Purposes and powers. --

- (9) The Legislature declares that there is a public need for rapid construction of safe and efficient transportation facilities for travel within the state and that it is in the public's interest to provide for public-private partnership agreements to effectuate the construction of additional safe, convenient, and economical transportation facilities.
- (a) Notwithstanding any other provision of law to the contrary, the Florida Expressway Authority Act, any expressway authority , transportation authority, bridge authority or toll authority established by statute or under Part I of Florida Statute Chapter 348 may receive or solicit proposals and enter into agreements with private entities, or consortia thereof, for the building, operation, ownership, or financing of expressway 000000

authority transportation facilities or new transportation facilities within the jurisdiction of the expressway authority. An expressway authority is authorized to adopt rules to implement this subsection and shall, by rule, establish an application fee for the submission of unsolicited proposals under this subsection. The fee must be sufficient to pay the costs of evaluating the proposals. An expressway authority may engage private consultants to assist in the evaluation. Before approval, an expressway authority must determine that a proposed project:

- 1. Is in the public's best interest.
- 2. Would not require state funds to be used unless the project is on or provides increased mobility on the State Highway System.
- 3. Would have adequate safeguards to ensure that no additional costs or service disruptions would be realized by the traveling public and citizens of the state in the event of default or the cancellation of the agreement by the expressway authority.
- (h) Except as herein provided, this subsection is not intended to amend existing laws by granting additional powers to or further restricting the governmental entities from regulating and entering into cooperative arrangements with the private sector for the planning, construction, and operation of transportation facilities. Use of the powers granted in this subsection by an statutorily created expressway authority, transportation authority, bridge authority, or toll authority, other than one statutorily created in Part I of Chapter 348, F.S., shall not be subject to any of the requirements of Part I

Amendment No. 7 of Chapter 348, F.S. other than those contained in this 51 52 subsection. 53 ======== T I T L E A M E N D M E N T ========= 54 On line(s) 51 after "funds;" insert: 55 56 amending s. 348.0004, F.S., to clarify that the ability to 57 enter into public-private partnerships applies to all 58 statutorily created toll facilities; 59

HOUSE AMENDMENT FOR COUNCIL/COMMITTEE PURPOSES

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Amendment No. 8

Bill No. PCB TR 06-04

COUNCIL/COMMITTEE	ACTION
ADOPTED	(Y/N)
ADOPTED AS AMENDED	(Y/N)
ADOPTED W/O OBJECTION	_ (y /n)
FAILED TO ADOPT	(Y/N)
WITHDRAWN	(Y/N)
OTHER	

Council/Committee hearing bill: Transportation

Representative(s) offered the following:

Amendment #8

Remove line(s) 1372-1375 and insert:

110 and shall serve at the pleasure of the commission. The salaries and benefits of all employees of the commission, except for the executive director, shall be set in accordance with the Selected Exempt Service; provided, however, that the salary and benefits of the executive director shall be set in accordance with the Senior Management Service. The commission shall have complete authority for

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ruii or Subcommittee on					
Action					
Date		1			

	Action	
LORIDA	Date	
HOU Amendment No.	SE AMENDMENT FOR DRAFTING PURPOSES ONLY (may be used in Committee, but not on House Floor) Bill No	04
(For filing with	the Clerk, Committee and Member Amendments must be prepared on computer)	
Representative(s)	If amendment is text of another bill insert: Bill No Draft No The Committee on	
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H-62 (Revised, 1991)



Full or	Subcommittee on	
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HOUSE AMENDMENT FOR DRAFTING PURPOSES ONLY (may be used in Committee, but not on House Floor)

		nittee, but not on House	Floor)
Amendment No.	<u>±10</u>		Bill No.
(For filing with	the Clerk, Committee and M	Iember Amendments must b	e prepared on compu
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Representative)/The Committee on <u></u>	ravitz	
offered the follow	ing amendment:#/C	2	
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Transportation Committee 2/7/2006 1:15:00PM

Location: 404 HOB

PCB TR 06-05: Residential Manufactured Building Regulation

X Not Considered

Print Date: 2/7/2006 4:07 pm

Transportation Committee 2/7/2006 1:15:00PM

Location: 404 HOB

Summary:

Transportation Committee

Tuesday February 07, 2006 01:15 pm

PCB TR 06-01 Not Considered

PCB TR 06-02 Not Considered

PCB TR 06-03 Favorable With Amendments

Yeas: 14 Nays: 0

PCB TR 06-04 Favorable With Amendments

Yeas: 14 Nays: 1

PCB TR 06-05 Not Considered